

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Karl-Heinz Kogel et al.

Application No.: 10/522,106

Confirmation No.: 9243

Filed: January 24, 2005

Art Unit: 1638

For: METHOD FOR OBTAINING THE
PATHOGENIC RESISTANCE IN PLANTS

Examiner: Ibrahim, Medina Ahmed

REQUEST FOR CORRECTED FILING RECEIPT

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be promptly issued in the above-identified patent application. The Corrected Filing Receipt received by Applicants dated December 31, 2009, a marked-up copy of which is attached hereto, contains an error in the "Assignment For Published Patent Application" section. The assignee of the present application should read "**BASF** Plant Science GmbH" in lieu of "Basf Plant Science GmbH."

Applicants further request a corrected Notice of Acceptance of Application Under 35 U.S.C 371 and CFR 1.495 be promptly issued in the present patent application. The official Notice of Acceptance of Application Under 35 U.S.C 371 and CFR 1.495 received by Applicant dated March 7, 2008, a marked-up copy of which is attached hereto, has errors in the dates under the following sections:

1. **"The United States Application Number assigned to the application is shown above and the relevant dates are":**

"Date of Receipt of 35 U.S.C. 371 (c)(1), (c) (2) and (c) (4) Requirements" should read "**07/19/2007**" in lieu of "07/26/2007"; and

"Date of Completion of All 35 U.S.C. 371 Requirements" should read "**07/19/2007**" in lieu of "07/26/2007."

2. **"The following items have been received:" section as follows:**

"Information Disclosure Statements filed on" should read "06/17/2005" in lieu of "02/25/2005";

"Biochemical Sequence Diskette filed on" should read "11/20/2006" in lieu of "11/12/2007";

"Specification filed on" should read "01/24/2005" in lieu of "07/26/2007";

"Claims filed on" should read "01/24/2005" in lieu of "07/26/2007";

"Abstracts filed on" should read "01/24/2005" in lieu of "07/26/2007"; and

"Drawings filed on" should read "01/24/2005" in lieu of "07/26/2007."

3. "ATTY. DOCKET NO." should read "12810-00067-US" in lieu of "532622010500".

Explanations and copies of the stamped return postcards as evidence for support of all the above date changes have already been submitted to the Patent Office with the first "Request for Corrected Filing Receipt, Corrected Notice of Acceptance of Application, and Change of Correspondence Address" received by the Patent Office on February 26, 2008, copies of which are available in the electronic file wrapper of the PAIR system.

Applicants request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections. The Patent Office is invited to contact the undersigned if any questions or issues remain.

Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00067-US from which the undersigned is authorized to draw.

Respectfully submitted,

By Hui-Ju Wu

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/522,106	07/26/2007	1638	2740	12810-00067-US	23	3

CONFIRMATION NO. 9243

CORRECTED FILING RECEIPT



OC000000039257358

23416
CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

Date Mailed: 12/31/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

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Marco Trujillo, Giessen, GERMANY;

Assignment For Published Patent Application

BASF -BASF Plant Science GmbH, Ludwigshafen, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 23416

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/07589 07/14/2003

Foreign Applications

GERMANY 10233327.0 07/22/2002

If Required, Foreign Filing License Granted: 11/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/522,106**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for Obtaining the Pathogenic Resistance in Plants

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/522,106	Karl-Heinz Kogel	12810-00067-532622010500
23416 CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899		INTERNATIONAL APPLICATION NO. PCT/EP03/07589
		I.A. FILING DATE 07/14/2003
		PRIORITY DATE 07/22/2002

CONFIRMATION NO. 9243
371 ACCEPTANCE LETTER



Date Mailed: 03/07/2008

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

~~07/26/2007~~ 07/19/2007
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),
(c)(2) and (c)(4) REQUIREMENTS

~~07/26/2007~~ 07/19/2007
DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/24/2005
- Copy of the International Search Report filed on 01/24/2005
- Copy of IPE Report filed on 01/24/2005
- Preliminary Amendments filed on 01/24/2005
- Information Disclosure Statements filed on 02/25/2005 6/17/2005
- Biochemical Sequence Diskette filed on 11/12/2007 11/20/2006
- Oath or Declaration filed on 07/26/2007
- Biochemical Sequence Listing filed on 01/24/2005
- Request for Immediate Examination filed on 01/24/2005
- U.S. Basic National Fees filed on 01/24/2005
- Assignment filed on 01/24/2005
- Priority Documents filed on 01/24/2005
- Power of Attorney filed on 01/24/2005
- Specification filed on 07/26/2007 1/24/2005
- Claims filed on 07/26/2007 1/24/2005
- Abstracts filed on 07/26/2007

• Drawings filed on ~~07/26/2007~~

1/24/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

LAMONT M HUNTER

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